

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SMITH,

No. C 11-5792 SI (pr)

Petitioner,

ORDER OF DISMISSAL

v.

RANDY GROUNDS, warden,

Respondent.

Petitioner filed this action to appeal a decision of the Monterey County Superior Court that rejected his habeas petition in which he had requested the state court to implement a plan to reduce prison overcrowding. Federal district courts are courts of original jurisdiction and may not review the final determinations of a state court. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482-86 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923) (district courts may not exercise appellate jurisdiction over state courts). The *Rooker-Feldman* doctrine essentially bars federal district courts “from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court judgment.” *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004). As petitioner clearly is trying to appeal the state court decision, this action must be dismissed for lack of subject matter jurisdiction.

The clerk shall close the file.

IT IS SO ORDERED.

DATED: December 12, 2011


SUSAN ILLSTON
United States District Judge